

Message Text

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ACTION DLOS-07

INFO OCT-01 EUR-25 EA-11 IO-14 ISO-00 CG-00 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SP-03 SS-20 USIA-15 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 FEA-02 ACDA-19

AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01

OIC-04 TRSE-00 DRC-01 /231 W
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R 101906Z MAY 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 0268

INFO AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 03 LONDON 05870

E.O. 11652: GDS

TAGS: PBOR

SUBJECT: LOS: GROUP OF FIVE HEADS OF DELEGATION MEETING:
CONSULTATION MAY 6-7

1. SUMMARY. GROUP OF FIVE HEADS OF DELEGATION MEETING
CONSIDERED ECONOMIC ZONE, FISHERIES, STRAITS ARCHIPELAGOS
AND MARINE POLLUTION. GROUP SET UP TWO WORKING GROUPS
TO WORK ON TREATY ARTICLES ON ECONOMIC ZONE AND ON
STRAITS. END SUMMARY.

2. FOLLOWING ARE PARTICIPATING IN GROUP OF FIVE
MEETING: FRANCE, JEANNEI, ROUX; JAPAN, OGISO, SUGIHARA;
USSR, ROMANOV, MOVCHAN, GEN. BARABOLYA PLUS TWO MEMBERS
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OF SOVIET MISSION IN LONDON; AND UK, JACKLING, DUDGEON,

ANDERSON, JAFFRAY, STEELE, ARCHER, ROSE, JUPE, MOLYNEUX,
SIMMS, CHAMBERLAIN, MORRIS, BEAZLEY, WILLIAMS
HOLDEN, WALKER AND PEARCE.

3. UK (JACKLING) OPENED SESSION WITH OBSERVATION THAT
NEW GOVERNMENT IN UK WOULD SHORTLY REVIEW UK LOS POLICY
AND THAT RECOMMENDATIONS TO GOVERNMENT WOULD BE INFLU-
ENCED BY GROUP OF FIVE DISCUSSION. JACKLING EXPRESSED
PERSONAL VIEW THAT THERE SHOULD BE BROADLY ACCEPTABLE
TREATY AT CARACAS AND THEREFORE NEGOTIABILITY SHOULD BE
AN IMPORTANT OBJECTIVE.

4. US (STEVENSON) STRESSED IMPORTANCE OF
REACHING SUBSTANTIVE AGREEMENT THIS SUMMER ON TREATY
ARTICLES IN CRITICAL AREAS, PARTICULARLY COASTAL STATE
ECONOMIC JURISDICTION AND URGED GROUPS CONCENTRATE ON
ACHIEVING AGREEMENT ON DRAFT TEXTS.

5. ECONOMIC ZONE. JAPANESE (SUGIHARA) NOTED GOJ FIRMLY
OPPOSED TO EXCLUSIVE ECONOMIC ZONE, QUESTION OF NON-
EXCLUSIVE ZONE NOT YET DECIDED. USSR (ROMANOV) OUTLINED
SKETCHILY USSR PROPOSALS ON ECONOMIC ZONE WHICH SOVIET
REPS HAVE BEEN MAKING TO LDC'S. ROMANOV SAID USSR CAN
ACCEPT ECONOMIC ZONE PROVIDED IT IS PART OF COMPREHENSIVE
PACKAGE WHICH WOULD INCLUDE 12-MILE TERRITORIAL SEA,
INTERNATIONAL RULES IN LOS TREATY ENSURING FREEDOM OF
NAVIGATION THROUGH STRAITS, FREEDOM OF SCIENTIFIC RE-
SEARCH AND OVERFLIGHT. CARDINAL POINT OF PROPOSAL, HE
SAID, IS THAT COASTAL STATES MUST PERMIT FOREIGN
FISHERMEN TO FISH THAT PORTION OF THE ALLOWABLE CATCH
WHICH THE COASTAL STATE CANNOT FISH. USSR, HE SAID,
ATTACHES IMPORTANCE TO SAFEGUARDING FREEDOMS OF
HIGH SEAS WITHIN ECONOMIC ZONE. ROMANOV SUGGESTED THAT
QUESTION OF WHETHER ZONE BE EXCLUSIVE OR NON-EXCLUSIVE
BE AVOIDED AND THAT GROUP CONCENTRATE ON SET OF RIGHTS
AND DUTIES WITH SPECIAL PROVISION FOR FOREIGN FISHERMEN.
IN RESPONSE TO QUESTION, ROMANOV SAID THAT COASTAL STATE
CAN RESERVE EVERYTHING IT CAN HARVEST BUT BELIEVES MOST
COASTAL STATES CANNOT HARVEST 100 PERCENT OF ALLOWABLE
CATCH SO THERE WILL BE GOOD PROPORTION LEFT OVER FOR
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FOREIGN FISHERMEN.

6. FRANCE (JEANNEL) SAID HE DID NOT LIKE IDEA OF ECONOM-
IC ZONE AND PREFERRED TREATY PROVISION WHICH GAVE COASTAL
STATE CERTAIN ECONOMIC RIGHTS IN HIGH SEAS AREA BEYOND
TERRITORIAL SEA. COASTAL STATE RIGHTS SHOULD BE LIMITED
TO RIGHT TO EXPLORE AND EXPLOIT MINERAL AND LIVING
RESOURCES. FRANCE WOULD PREFER TO TREAT LIVING AND NON-

LIVING RESOURCES DIFFERENTLY. JEANNEL URGED GROUP TO
CONCENTRATE ON DEVELOPING SCOPE OF COASTAL STATES'
RIGHTS AND DUTIES, MAKING ACCEPTANCE OF ZONE CONDITIONAL
ON THIS.

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R 101906Z MAY 74

FM AMEMBASSY LONDON

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INFO AMEMBASSY JAKARTA

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7. US (STEVENSON) NOTED THAT MANY COUNTRIES WERE
ADVOCATING UNIFIED ZONE WHICH WOULD INCLUDE NOT ONLY ALL
RESOURCES BUT SCIENTIFIC RESEARCH AND MARINE POLLUTION AS
WELL AND STRESSED IMPORTANCE OF LIMITING ANY ZONE TO
RESOURCE JURISDICTION. HE QUESTIONED NEGOTIABILITY OF
ENTIRELY SEPARATE REGIMES FOR LIVING AND NON-LIVING
RESOURCES. UK (JACKLING) STATED THAT UK SEES NO LOGIC
IN UNIFIED ZONE NOR DOES IT CARE FOR GIVING SOVEREIGN

RIGHTS OVER LIVING RESOURCES BUT AS A MATTER OF NEGOTIATING TACTICS BELIEVES IT MIGHT BE BETTER FOR GROUP OF FIVE TO SHOW ITSELF READY TO DEAL WITH ECONOMIC ZONE CONCEPT.

8. US (OXMAN) BRIEFED GROUP ON RECENTLY COMPLETED US CONFIDENTIAL

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LOS TEAM VISIT TO LATIN AMERICA INCLUDING READING REACTION TO SOVIET ECONOMIC ZONE PROPOSALS.

9. OUTER EDGE OF COASTAL RESOURCES ZONE. JAPAN (OGISO) URGED THAT THERE BE UNIFORM OUTER LIMIT FOR MINERAL RESOURCES AND FISHING. FRANCE (JEANNEL) URGED CAUTION IN GOING BEYOND 200 MILES FROM TACTICAL NEGOTIATING POINT OF VIEW. HE SAID HE WAS NOT YET CONVINCED THAT ALL AFRICAN STATES AGREE TO GOING BEYOND 200 MILES. HE MADE CLEAR HE HAS NO SUBSTANTIVE OBJECTION TO ACCEPTING LIMIT BEYOND 200 MILES, PARTICULARLY IF MEMBERS OF GROUP OF FIVE WANTED IT. UK (JACKLING) INDICATED STRONG UK SUPPORT FOR SEABED JURISDICTION BEYOND 200 MILES TO EDGE OF MARGIN.

10. JAPAN (OGISO) SUGGESTED THAT REGIONAL FISHERIES ORGANIZATION SET LIMITS OF MAXIMUM SUSTAINABLE YIELD AND COULD FUNCTION AS DISPUTE SETTLEMENT MECHANISM ON TECHNICAL ISSUES.

11. STRAITS. UK (ANDERSON) REVIEWED CHANGES IN UK STRAITS ARTICLES. US (STEVENS) SAID US WOULD LIKE TO HAVE SPECIFIC LANGUAGE ON ENFORCEMENT AND LIABILITY. USSR (MOVCHAN) WITH FRENCH SUPPORT WARNED THIS WOULD OPEN UP MANY SERIOUS ISSUES SUCH AS MILITARY EXEMPTION.

12. ARCHIPELAGOS. US (MOORE) PRESENTED US ARCHIPELAGO PROPOSALS WHICH HAD BEEN MADE TO INDONESIA, STRESSING IMPORTANCE OF REACHING AGREEMENT WITH ARCHIPELAGO STATES AND NEED TO HAVE MULTILATERAL AGREEMENT GENERALLY. MOORE URGED GROUP OF FIVE TO SUPPORT US PROPOSALS. UK NOTED THAT INDONESIAN REPS ARE SCHEDULED TO VISIT LONDON AT END OF MAY. JAPAN (OGISO) SAID GOJ COULD AGREE TO US DEFINITION OF ARCHIPELAGOS. OGISO STRESSED THAT GOJ WISHES TO PROTECT TRADITIONAL RIGHTS (SPECIFICALLY FISHERIES) WITHIN ARCHIPELAGO WATERS. GOJ WILL ATTEMPT TO OBTAIN AGREEMENT ON TREATY ARTICLE WHICH REQUIRES ARCHIPELAGO STATE TO CONSULT WITH OTHER STATES REGARDING TRADITIONAL USES TO SAFEGUARD INTERESTS OF OTHER STATES. JAPAN ASKED FOR SUPPORT OF GROUP BUT INDICATED EVEN CONFIDENTIAL

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WITHOUT SUCH SUPPORT IT WOULD SEEK SUCH AN ARTICLE BILATERALLY. US (MOORE) REPLIED THAT IF ARTICLE CAREFULLY WRITTEN, US COULD SUPPORT IT.

13. USSR (ROMANOV) SAID HE WAS ENCOURAGED WITH DEVELOPMENTS IN THESE NEGOTIATIONS AND SAID IF ARCHIPELAGO STATES WILL ACCEPT UNIMPEDED PASSAGE USSR COULD SUPPORT ARCHIPELAGO CONCEPT. ROMANOV URGED SAME REGIME FOR ARCHIPELAGOS AS FOR INTERNATIONAL STRAITS. MOORE NOTED THAT IN US PROPOSAL REGIME FOR ARCHIPELAGO PASSAGE DIFFERS FROM STRAITS PASSAGE.

14. FRANCE (JEANNEL) ASKED WHETHER PRINCIPLE WOULD BE LIMITED TO ARCHIPELAGO STATES OR INCLUDE ARCHIPELAGOS BELONGING TO CONTINENTAL STATES. HE EXPRESSED CONCERN THAT WATER WITHIN ARCHIPELAGO NOT BE TERRITORIAL WATERS (AND THEREFORE LIKES US PROPOSAL FOR ARCHIPELAGO CONSTRUCTION LINES RATHER THAN BASE LINES). JEANNEL ASKED ABOUT REGIME FOR SCIENTIFIC RESEARCH WITHIN ARCHIPELAGOS AND PRESSED FOR VIEWS OF OTHER MEMBERS ON REGIME OF ISLANDS. HE STATED IF THERE WERE ASSURANCES ON THESE POINTS HE COULD GO ALONG WITH US PROPOSALS. MOORE SAID US INTENDS TO CONFINE CONCEPT TO A FEW ISLAND STATES. US PROPOSALS WOULD GIVE CONTROL OVER ALL REVENUE AND SCIENTIFIC RESEARCH WITHIN ARCHIPELAGO TO ARCHIPELAGO STATE.

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R 101906Z MAY 74

FM AMEMBASSY LONDON

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L5. UK (BEAZLEY AND DUDGEON) RAISED A NUMBER OF QUESTIONS INCLUDING DEFINITION OF REEFS AND ATOLLS, WHETHER THERE WAS A PROVISION FOR AIR ROUTES AND NATURE OF REGIME IN WATER OUTSIDE OF PASSAGE AREAS. ALL REPS IN GROUP OF FIVE ASKED FOR COPIES OF CHARTS SHOWING APPLICATION OF US PROPOSALS TO MAIN ARCHIPELAGO STATES. MOORE PROMISED TO PROVIDE CHARTS OF INDONESIA AND FIJI.

16. ISLANDS. FRANCE PRESSED FOR AGREEMENT THAT ISLANDS SHOULD BE TREATED IN SAME MANNER AS CONTINENTAL LAND AREAS FOR PURPOSES OF CLAIMING TERRITORIAL SEA AND RESOURCE JURISDICTIONS. JACKLING SAID THIS IS UK POSITION. ROMANOV STATED USSR ACCEPTS IN PRINCIPLE
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1958 GENEVA CONVENTION WITH POSSIBLY SOME ADJUSTMENT AS TO APPLICATION TO CONTINENTAL SHELF. HE SAID USSR STUDYING PROBLEM OF SMALL, DISTANT ISLANDS BEING ABLE TO HAVE LARGE CONTINENTAL SHELF. OGISO STATED ISLANDS SHOULD BE TREATED SAME AS CONTINENTAL AREAS. STEVENSON SAID THAT DOMINANT VIEW IN NEGOTIATIONS APPEARS TO BE THAT ISLANDS SHOULD BE TREATED IN SAME WAY AS CONTINENTAL LAND AREAS AS IN 1958 TERRITORIAL SEA CONVENTION WOULD CONTINUE TO APPLY, BUT MANY BILATERAL DIFFERENCES OVER DELIMITATION AND STATUS OF FOREIGN COASTAL ISLANDS. EXPRESSED CONCERN THAT DISPUTE OVER ISLANDS NOT DELAY CONFERENCE.

17. POLLUTION. US (MOORE) GAVE SUMMARY OF PARIS MARINE POLLUTION MEETING (APRIL 29-MAY 2) AND DISTRIBUTED

PAPER PREPARED AT MEETING. DISCUSSION FOCUSED ON QUESTION OF PORT STATE INSPECTION AUTHORITY. UK SUPPORTED PORT STATE INSPECTION. JAPAN WOULD SUPPORT LIMITED, QUALIFIED COASTAL STATE JURISDICTION; FRANCE WOULD ACCEPT PORT STATE INSPECTION BUT STRESSED IT WAS NOT ADEQUATE SUBSTITUTE FOR COASTAL STATE ENFORCEMENT JURISDICTION. USSR OBJECTED TO ANY PORT STATE AUTHORITY.

18. GROUP OF FIVE AGREED TO SET UP TWO WORKING GROUPS TO PREPARE DRAFT TREATY ARTICLES ON ECONOMIC ZONE AND ON STRAITS.
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